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GEORGETOWN 4014

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ACTION ARA-10
INFO OCT-01 SS-14 ISO-00 L-01 SCS-01 CA-01 SP-02 H-01
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FM AMEMBASSY GEORGETOWN
TO SECSTATE WASHDC IMMEDIATE 8268
C O N F I D E N T I A L GEORGETOWN 4014
LIMDIS
E.O. 11652: GDS
TAGS: CGEN, OREP, (RYAN, LEO), GY
SUBJ: STATUS OF LEGAL ISSUES
REF: GEORGETOWN 3992.

1. AS REPORTED IN REF, ARRANGEMENTS HAVE BEEN MADE WITH GOG FOR U.S. TECHNICAL PERSONNEL TO PARTICIPATE IN ONGOING INVESTIGATION. GOG HAS NOT RAISED ISSUE OF CUSTODY OR ULTIMATE DISPOSITION OF EVIDENTIARY MATERIALS. EMBASSY BELIEVES THAT DISCUSSIONS ON THIS SUBJECT SHOULD BE DEFERRED, IF POSSIBLE, UNTIL TECHNICAL TEAM HAS HAD OPPORTUNITY TO REVIEW MATERIAL AND DETERMINE U.S. NEEDS AND OBJECTIVES.

2. EMBASSY CONVEYED THIRD-PARTY NOTE OF FORMIN YESTERDAY INFORMING GOG OF U.S. RESPONSIBILITY TO TAKE CUSTODY OF PROPERTY OF DECEASED U.S. CITIZENS. PARTIAL INVENTORY OF P.T. PROPERTY, WHICH CONSISTS ALMOST ENTIRELY OF ITSVS NOT IDENTIFIED AS BELONGING TO PARTICULAR INDIVIDUALS (I.E. BUILDINGS, EQUIPMENT, TOOLS, DRUGS, ETC.) HAS BEEN PREPARED AND WILL BE FORWARDED TO GOG. EMBASSY OFFICIALS AND L

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REPRESENTATIVE WILL VISIT JONESTOWN TODAY TO SURVEY PROPERTY AND, WITH CONCURRENCE OF GOG, TO AFFIX CONSUL SEALS AS REQUIRED BY 7 FAM 445. PRECEDING ACTIONS ARE PROVISIONAL IN NATURE. DETERMINATION AS TO WHAT PROPERTY CONSULAR OFFICER CAN TAKE CUSTODY OF, AND CIRCUMSTANCES UNDER WHICH PROPERTY CAN BE REPATRIATED REQUIRES EXAMINATION OF LOCAL LAW. GOG HAS APPOINTED CDE. EMERSON SIMON AS "ADMINISTRATOR" OF THE SETTLEMENT, A MOVE WHICH INDICATES THAT GOG PLANS TO TAKE AN ACTIVE ROLE IN DISPOSITION OF PROPERTY. EMBASSY HAS LEARNED THAT PT WAS INCORPORATED IN JUNE, 1978 UNDER THE LAWS OF GUYANA. THE FIVE SHAREHOLDERS AND DIRECTORS (THREE OF WHOM SURVIVE) APPARENTLY TOOK OUT GUYANESE CITIZENSHIP. CORPORATE STATUS MAY PRECLUDE EMBASSY FROM CLAIMING CUSTODY OF ORGANIZATIONAL PROPERTY. L REPRESENTATIVE IS REVIEWING ARTICLES OF INCORPORATION AND BY-LAWS AND WILL CONSULT WITH LOCAL COUNESEL.

3. MR. LLOYD LUCKHOO HAS BEEN INFORMED BY AMBASSADOR THAT HE WILL NOT BE RETAINED BY U.S. G. AMBASSADOR EMPHASIZED THAT, WHILE

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY John Simms DATE 2-27-81
PDT for XDS EXT. DATE
REASON(S)
NSC ATTN. EXISTING MARKINGS
EXEMPT ... ASABLE

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IT IS PROBABLE THAT NO ACTUAL CONFLICT EXISTED, IT IS NECESSARY, IN A CASE AS SENSITIVE AS THIS, TO AVOID ANY APPEARANCE OF IMPRPRIETY. EMBASSY IS PRESENTLY SEEKING TO RETAIN LOCAL COUNSEL WITH EXPERIENCE IN LAW OF PERSONAL PROPERTY, DECEDENT'S ESTATES AND VOLUNTARY ASSOCIATIONS. COUNSEL WILL BE EXPECTED TO ASSIST L REPRESENTATIVE IN PREPARING POSITION ON ISSUES OF CUSTODY AND ULTIMATE DISPOSITION OF PT PROPERTY. COMMUNICATIONS WITH GOG ON THESE QUESTIONS WILL BE THROUGH EMBASSY RATHER THAN LOCAL COUNSEL. EMBASSY HAS BEEN IN CONTACT WITH A GUYANESE JUDGE IN ORDER TO SEEK RECOMMENDATIONS. EMBASSY HOPES THAT TENTATIVE ARRANGEMENS CAN BE CONCLUDED ON THURSDAY, SUBJECT TO FINAL APPROVAL OF DEPARTMENT.
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